

# PECATONICA RAIL TRANSIT COMMISSION

1 University Plaza • 719 Pioneer Tower • Platteville, Wisconsin 53818  
MEMBER COUNTIES: GREEN • IOWA • LAFAYETTE • ROCK

1:00 PM • Friday, May, 17, 2013 • Green Co. Courthouse, Basement Conf. Rm, 1016 16<sup>th</sup> Ave • Monroe, WI

1. 1:00 PM **Call to Order** – *Harvey Kubly, Chair*  
Meeting was called to order by Chair Kubly at 1 PM.

2. Roll Call. **Establishment of Quorum** – *Mary Penn, PRTC Administrator*

## Commissioners present for all or part of the meeting:

	<i>Commissioner</i>	<i>Position</i>	<i>Present</i>		<i>Commissioner</i>	<i>Position</i>	<i>Present</i>
<i>Green</i>	<i>Harvey W. Kubly</i>	<i>Chair</i>	<i>x</i>	<i>Iowa</i>	<i>Charles Anderson</i>	<i>Secretary</i>	<i>x</i>
	<i>Oscar Olson</i>		<i>x</i>		<i>William G. Ladewig</i>		<i>x</i>
	<i>Ron Wolter</i>	<i>Treasurer</i>	<i>x</i>		<i>Philip Mrozinski</i>		<i>x</i>
<i>Lafayette</i>	<i>Leon Wolfe</i>		<i>x</i>	<i>Rock</i>	<i>Ben Coopman</i>	<i>Alternate</i>	
	<i>Patrick Shea</i>		<i>x</i>		<i>Wayne Gustina</i>		<i>x</i>
	<i>Gerald Heimann</i>	<i>Alternate</i>			<i>Alan Sweeney</i>	<i>1st Vice Chair</i>	<i>x</i>
	<i>Ted Wiegel</i>		<i>x</i>		<i>Terry Thomas</i>	<i>2nd Vice Chair</i>	<i>x</i>

## Other present for all or some of the meeting:

<ul style="list-style-type: none"> <li>Ken Lucht, WSOR</li> <li>Forrest Van Schwartz, WRRTC Pro Bono Railroad Consultant</li> </ul>	<ul style="list-style-type: none"> <li>Frank Huntington, Ron Adams, Roger Larson, WDOT</li> <li>Bob Voegli, TCTC</li> </ul>
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3. Action Item. **Certification of Meeting's Public Notice** – *Noticed by Penn*  

- Motion to approve notice of public meeting – Sweeney/Gustina, Passed Unanimously*

4. Action Item. **Approval of Agenda** – *Prepared by Penn*  

- Motion to approve agenda - Shea/Thomas, Passed Unanimously*

5. Action Item. **Approval of draft Minutes from January, 2013 meeting** – *Prepared by Penn*  

- Motion to approve January 2013 meeting minutes – Mrozinski/Wolter, Passed Unanimously*

6. Updates. **Public Comment** – *Time for public comment may be limited by the Chair*  
No comments.

7. Updates. **Correspondence & Communications** – *Discussion may be limited by the Chair*  
Mary Penn said she had exchanged emails with Jerry Guth and Leon Wolfe regarding an issue of work being done along and in the ROW of the trail, with a landowner had cutting down trees. Leon Wolfe said that the TCTC met and will draft a letter informing adjoining landowners the distance of the ROW and how to get permission to work along the trail.

## REPORTS & COMMISSION BUSINESS

8. **PRTC Financial Report** – *Ron Wolter, SCWRTC Treasurer*  
- Treasurer's Report and Payment of Bills

Ron Wolter distributed the Treasurer's Report and presented the information to the Commission and Bills (specifically SWWRPC Q3, Q4, 2012)

- Motion to approve Treasurer's Report – Sweeney/Anderson Passed Unanimously*
- Motion to approve payment of bills – Mrozinski/Gustina, Passed Unanimously*

**9. WSOR Operation's Report – Ken Lucht, WSOR**

Ken Lucht talked about the current, standard maintenance of the track including tie replacement, rail replacement, and weed spraying. The Rail Detector and Geometry Car will be on the rails in July to determine internal and external condition of the rails. He said that the Janesville/Monroe traffic has been good and that the crossing projects have been completed to date; the bridge projects will be completed this year. For 2013, WSOR is waiting for word of award on the Fox Sub (Janesville to Avalon). He also talked about the siding project that will increase capacity in Rock County, helping to alleviate the bottle neck in Janesville. He said a lot of Rock County businesses will find this helpful. Between Brandon and Marcus Ann there will be tie and continued welded rail put in as that line carries a lot of frac sand traffic.

He said sand has been moving pretty well with lots of demand; much of it originating in western WI. WSOR also is looking at capacity expansion on the Prairie sub. Lucht said that Oshkosh Truck is using WSOR to ship military trucks and in response to a grain operator, grain trains will be shipping out of Rock County north to the River on the Prairie Sub.

Lastly, Lucht said that the JFC recommended an \$8M decrease in the Gov.'s budget but said he would talk about it later in the meeting (item #15).

**10. WisDOT Report – Staff may include Frank Huntington, Kim Tollers, Roger Larson**

Frank Huntington said WDOT is moving forward on its recommendations on grants to fund projects. He said that \$52 M in funds was pretty good considering it is a significant increase in tight budget times. In regard to the potential Reedsburg acquisition, WDOT had started negotiations with UP and it would be several weeks before there would be a price and the end of the year before any sale would be finalized. He also told Commissioners they could pick up the latest rail/harbor maps which he brought to share.

**11. PRTC Administrator's Report – Mary Penn, PRTC Admin.**

Mary Penn distributed a list of the leases she had gathered. There was discussion on which leases were defunct and some of the history on which ones had long since lapsed. Noting the lapse of the Brewery Creek lease, she said she had sent a letter to the business in mid-April, asking if Brewery Creek still wanted the lease. She said this would be addressed later in the meeting (item #17 on the agenda).

**12. Tri-County Trail Commission Report – Leon Wolfe, TCTC**

Leon Wolfe said that snowmobile traffic did carry into late winter due to late snows and the trail was used quite a bit. He brought up the Guth issue again, saying that with the high prices of corn, farmers "are going to try to get every inch of space they can" to maximize profits. Wolfe said TCTC would be trying to get a database of landowners abutting the trail so these landowners can be informed of the width of the ROW and the way to work with the Commission when there are issues, or neighboring landowner wants to do some work on their property. Huntington said that a couple of years ago, Carousel Farms cleared the trail significantly, causing a lot of problems including drainage issues. He said that there had been considerable discussion in the Commission at that time but he did not know what had been decided or how the PRTC responded. Wolfe said clearing the trail of trees might impact the use of it by snowmobilers because the shade keeps the snow. Lucht said that WSOR is seeing this kind of activity with farmers pushing brush right up to the edge of the rails. Lucht also said the more trespass is tolerated the more landowner's will end up owning land via acquisition by use. He suggested the Commission send a letter to landowners in trouble spots, and let them know that if landowners want to do things next to the railroad, they need to meet railroad representatives and standards. Huntington said that if there is a permit on record, it would protect the Commission and would also let landowners know what they can do. Ladewig asked if a landowner would need liability insurance to work on the ROW, and asked if WDOT had a standard letter for landowners which could be forwarded to the TCTC so they'd have a model to follow. Huntington said the TCTC trail is rails-to-trails property, but landowners still need to know that it is classified as an active rail corridor. Ron Adams spoke of the issue of various businesses having liability insurance to protect them when working on the rail corridor. Huntington reiterated that it is still active rail even though it looks like a trail now. Adams said even a corporate farm should investigate if they have liability insurance if they are working on the ROW. Lucht said trespass is a big problem on WSOR line around Cambria. Wolfe said that is what TCTC is struggling with it. Wiegel said that Pat Place only went right next to the trail in a couple of places. Roger Larson said WDOT works with a forester that can ID the marketable trees versus brush and scrub and possibly this is something the TCTC could pursue.

Wolfe said Tom Jean is the current TCTC Coordinator. He said that the trail book is still not ready but it is at the printers and he hopes to have a copy for everyone at the next meeting. He said the final product looks really good; he said it's taken much longer than they hoped because they're working with UW Extension who does a lot of the work gratis. Sweeney asked if there would be an e-version of the booklet and Wolfe confirmed there will be.

**13. UW- Madison Freight Rail Study Presentation– Forrest Van Schwartz**

Forrest Van Schwartz presented the study done by UW Madison as commissioned by WRRTC last year, looking at the economic impact of rail on the publically owned rail in the southern part of the state. The study was completed in January 2013.

Before the presentation Lucht talked about an incident in Madison in the past week in which due to the yard being full and high traffic rates, a very long train trying to get through blocked crossings resulting in pushback from the city on the blocked crossings and the city being unhappy with the delay.

Van Schwartz explained the history of the project and the writers of the plan, and gave the presentation. After the completion of the presentation, he invited questions. Charles Anderson asked Van Schwartz about ethanol facilities that shut down last year and if they would be opening up again. Van Schwartz said you cannot make money on ethanol if there is no rail as it is not cost efficient to truck. He noted that the plan is available both electronically (cd) and on the WRRTC website.

**14. Consideration and Possible Action of Creation and Passage of Resolution to honor Ron Adams, WDOT – Harvey Kubly, Chair**

Harvey Kubly introduced Ron Adams to the Commission and explained that there should be a motion to honor someone who has worked so long for the Commission and the State. Adams said that it was local efforts that got the railroad and the rail transit commission going. Sweeney thanked Adams for his foresight.

- *Motion to create and pass a resolution honoring Ron Adams, WDOT – Anderson/Thomas, Passed Unanimously*

**15. Consideration and Possible Action on letter to Wisconsin Legislators supporting the Freight Railroad Preservation Program (FRPP) in the 2013/2015 Biennium – Ken Lucht, WSOR**

Lucht presented the item to the Commission and distributed a draft letter. He asked the Commission to endorse the JFC's decision to set the budget at \$52M. Lucht said \$52 is a 73% increase and with that money WSOR will be able to do a lot of their projects although it would require some scheduling. Van Schwartz said that the Economic Report is a highly creditable source of the facts of the rail system; Anderson asked if there could be a sentence related to the taxes paid by the railroad inserted into the support letter.

- *Motion to approve PRTC support letter as modified by Anderson to Wisconsin Legislators supporting the Freight Railroad Preservation Program in the 2013/2015 Biennium – Ladewig/Wolfe, Passed Unanimously*

**16. Consideration and Possible Action on sponsoring a proposed U.S. DOT TIGER V Application and authorization to direct staff to send a letter of support for the application – Ken Lucht, WSOR**

Lucht distributed information on the TIGER V grant and gave the history on WSOR's application of the past 2 years, noting that the proposal last year was very competitive. The year's proposal is for a complete rebuild between Middleton and Lone Rock (about 37 miles) and would bring it up to 286 standards. This is a high traffic area which makes it a more strategic location. WSOR felt this would be the best place to apply and make it the most competitive. Out of last year's 2012 competition, last year's proposal was in the top 10%. This year's is being co-sponsored by Iowa County and the WRRTC. He asked for a support letter to include by June 3. He said this would be a non-binding (non-financial) support on the part of the PRTC and would illustrate the strength of the public/private partnership. Anderson asked if this project would include a bridge but Lucht said no. Ladewig asked if WSOR was getting letters of support from legislators and senators members of Congress, SWWRPC, etc. Lucht said they were seeking such support in an effort to raise their chances.

- *Motion to support sponsoring a proposed U.S. DOT TIGER V application and authorization of staff to send letter of support for the application – Thomas/Anderson, Passed Unanimously*

**17. Consideration and Possible Action on Brewery Creek (Mineral Point) request for lease following lapse. – Mary Penn, PRTC Admin**

Penn distributed a copy of the old Brewery Creek lease, noting that it had expired at the end of December, 2012. The lease included a small map showing the to-be-leased property and explained the payment history of the site to date. Sweeney asked Phil Mrozinski if Deb Donaghue (owner of Brewery Creek) seemed likely to not pay. Mrozinski said the price of the lease was not an issue with her. Sweeney asked about the administration costs involved and Ron Wolter asked what else was happening on the proposed leased property. Huntington said that the parking lot is right next to the ROW which is controlled by the TCTC and monitored by the City of Mineral Point. Kubly wondered if there had been a loss of communication on what the land was that they were leasing such as parking but Mrozinski it is only the very small location shown on the lease. Ladewig asked how much it would cost the attorney and it was commonly agreed it would be roughly the cost of the lease.

- *Motion renewing terms of the lease with Brewery Creek (Mineral Point) for 10 years for a fee of \$500, payable in advance one time, with the same insurance requirements as the existing lease – Ladewig/Wolfe, Passed Unanimously*

**18. Action Item – Adjournment**

- *Motion to adjourn at 2:37 PM - Wiegel/Shea, Passed Unanimously*